

Minutes of the Planning Commission meeting held on Thursday, October 15, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
 Jim Harland, Vice-Chair
 Tim Taylor
 Kurtis Aoki
 Karen Daniels
 Sheri Van Bibber
 Ray Black
 Tim Tingey, Community & Economic Development Director
 Chad Wilkinson, Community Development Planner
 GL Critchfield, Deputy City Attorney
 Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Evans opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Karen Daniels made a motion to approve the minutes from October 1, 2009. Seconded by Tim Taylor.

A voice vote was made. The minutes were approved unanimously, 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for The Hale Company, Cottonwood Confluence Subdivision and Terra Firma Properties. Seconded by Sheri Van Bibber.

A voice vote was made. The Findings of Fact were approved unanimously, 7-0.

MIXED USE DEVELOPMENT DISTRICT ORDINANCE TEXT AMENDMENT AND ZONE MAP AMENDMENT FOR MIXED USE ZONE DESIGNATION

Tim Tingey provided a brief introduction on this proposal. He stated that the mixed use ordinance change was designated in the General Plan that was adopted in 2003. Over the past few months, City Council has had discussions with staff about moving forward with some proposals for mixed use. Mr. Tingey stated that during the recent open house meetings, there were concerns voiced regarding the underlying reason for this issue moving forward at this time, and it was mentioned that there is a development plan in place that the public hasn't been made aware of. He stated that this is not the case.

Chad Wilkinson stated that this is the second hearing pertaining to the proposed mixed use zone, with the first hearing on April 2, 2009. At the previous meeting, staff explained that there were some changes being considered to the text of the ordinance. Mr. Wilkinson stated that the Planning Commission chose to continue the hearing in order to give staff time to review those recommended changes. Based on the feedback from the Planning Commission, staff has also revised the proposed boundaries resulting in some changes of which properties are included and excluded. He stated that the current proposal includes a zone change and a general plan amendment to some of the properties within the area. Mr. Wilkinson stated that there is an existing mixed use ordinance that was adopted approximately two years ago, and provides for regulatory authority for any mixed use zone that is adopted. He stated that there were prior concerns with the ordinance language, and said that staff has also responded to concerns brought up by property owners during the previous public hearing and open houses.

Mr. Wilkinson stated that the General Plan identified areas within $\frac{1}{4}$ to $\frac{1}{2}$ mile of the TRAX stations as being appropriate for mixed use. He displayed a map that showed properties that are currently designated for mixed use, which includes the existing TOD zone, a large portion between I-15 and the Box Elder neighborhood, and some additional areas south of 5300 South. Mr. Wilkinson stated that staff has studied the larger areas and determined that it makes sense to focus their efforts on a central location. There are some great opportunities associated with the 5300 South TRAX station, and other opportunities related to UTA's plans for Bus Rapid Transit (BRT) in this area. The area is adjacent to the downtown which is currently being evaluated in other planning efforts. Mr. Wilkinson stated that all of these factors make this area an ideal location to start mixed use zoning, and most of it is designated as mixed use in the General Plan. He stated that the boundaries have been modified since the first hearing because the Planning Commission requested it and UTA has progressed in their planning process for BRT. Mr. Wilkinson said that there has been input from various residents that has been carefully evaluated by staff. He stated that the locally preferred alternative for the BRT line would connect Salt Lake Community College with the future Front Runner and existing TRAX station at 5300 South. The route would run along Murray Boulevard between 4500 South and Vine Street. The mixed use boundary has been modified to take advantage of transit opportunities along this route. Mr. Wilkinson pointed out the seven properties specified on the map that will not be included in the current proposal as their General Plan designation was not specified on the notice. Those properties will be re-noticed and brought forward for consideration at the next meeting. Mr. Wilkinson stated that the area north of 4800 South has been excluded at this time because it has been determined that BRT will not run along 4800 South.

Mr. Wilkinson stated that the mixed use zoning ordinance was readopted in July of 2008, and is awaiting the adoption of a mixed use zone. He stated that staff reviewed the ordinance to evaluate if there were any areas that could be changed or improved to make it more clear and enforceable. Some issues have been identified and there has been feedback from property owners and residents in the area regarding the existing ordinance language. Staff is proposing some possible changes, including increased size limits on manufacturing type uses from 2,500 square feet to 12,000 square feet. Staff has also provided clarification that square footage limits apply to individual businesses, not to buildings. Mr. Wilkinson stated that staff is proposing to eliminate the limitation on

number of employees for manufacturing uses, and stated that loading docks will be allowed but limited to two per use, and not allowed to be in front of the building. Deliveries will be limited to business hours in order to avoid any impact on residential neighbors. Mr. Wilkinson stated that the landscaping setbacks have been changed due to concerns related to corner lots. He stated that the purpose of the ordinance is to create a pedestrian and transit oriented zone, so staff is requiring that each business must have a pedestrian entrance that fronts the street. As an incentive to build density in the area, staff has allowed for a 10 percent reduction of required parking for properties within ¼ mile of an existing transit stop. Mr. Wilkinson stated that in an effort to be compatible with residential neighbors, there will be no outside storage of commercial vehicles and trailers with a gross vehicle weight rating of more than 12,000 pounds. He stated that in the first version of the ordinance there were not any limitations on retail square footage, resulting in a concern that large retail establishments or 'Big Box' stores or auto oriented retail could move in. Limits on ground floor retail have been put in place to discourage this type of development, with the ability to be larger if the business can meet a floor area ratio of 1:1. Mr. Wilkinson explained that an example of floor area ratio would be a 20,000 square foot lot that would require a 20,000 square foot floor area of the building, which would force buildings up instead of out. He said that there is not a cap on residential density. However, residential uses are limited to 25 percent of the ground floor area of any development. Current standards limit residential square footage to 75 percent of the gross square footage of the development. Mr. Wilkinson stated that the existing ordinance does not regulate ground floor use. He also stated that there is no restriction on commercial development with this ordinance.

Mr. Wilkinson stated that there will be no change to existing uses within the zone until the property redevelops. He said that existing legal uses will become legal nonconforming and allowed to continue, and even to expand subject to Board of Adjustment approval. Mr. Wilkinson said that if a property is vacant for more than a year the non-conformity would be lost and the property would have to be brought up to code for the next use. He pointed out that there are currently large areas of the General Plan designated mixed use that staff has not proposed for a change at this time. Mr. Wilkinson stated that staff would like to start a process of creating transitional areas adjacent to the mixed use zone, and that they would support owner initiated changes to mixed use within the transitional area. There will be a public process related to such a proposal once it moves forward. Staff is requesting that the Planning Commission recommend approval to the City Council for this proposed zone change to mixed use and the General Plan Amendment and proposed changes to the text.

Tim Taylor stated that there are some minor corrections to the proposed ordinance changes. Under Section 17.171.054, Item I, line three it should read: Where parking is located in the side lot area a ten (10) foot width landscaping area will be required along all property lines not occupied by drive accesses. He stated that under Item K, it states: Surface parking lots shall have a minimum setback of fifteen (15) feet from the curb. Mr. Taylor asked if this is supposed to say property line instead of curb. Mr. Wilkinson responded that it should say curb, although there is a type error in the paragraph in the last sentence, where it says ten feet instead of fifteen feet. Mr. Wilkinson stated that setbacks within the mixed use zone, as well as the TOD, are measured from the back of curb. Mr. Taylor asked about the wording that states it should be located to the side or behind the building, and asked if it should say side or rear setback area. Mr. Wilkinson

stated that there is no rear setback in this area. Mr. Taylor stated that in Section 17.161.08, Item G, it states: At least one of the parking spaces per dwelling unit, as required above, shall be in a parking structure. He asked if this means a covered parking space, not specifically a parking structure. Mr. Wilkinson agreed that this wording needs clarification because the intent is to have covered parking. Mr. Taylor stated that in Section 17.161.110, Open Space, as it relates to area with a slope greater than 3:1 will not qualify as open space, could be argued that the slope leading down to a retention area is 3:1 but the area at the bottom is flat. He asked if the flat area at the bottom of the retention space counts as open space. Mr. Wilkinson responded that potentially this area could qualify as open space, if it could be deemed usable open space, meaning that it is accessible. He stated that this wording is from the previous ordinance and that the only change is a new number assigned to this section. Mr. Taylor referred to Section 17.161.120, Storage of Commercial Vehicles, and stated that he understands the intent of this section is to not allow storage of vehicles, however, it also states they should not be parked outdoors. Mr. Taylor stated that he is concerned that during construction it will be difficult to limit parking outdoors in certain situations. Mr. Wilkinson replied that the intent is to address long term parking, and the language may be clarified to reflect that. He stated that this is a residential buffering standard and the language is similar to that contained in the Home Occupation requirements.

Jeff Evans opened the meeting for public comment.

Richard Justice, 5824 Cove Creek Lane, stated that he owns a couple of acres within this area. He stated that he is glad to see the square footage increased for manufacturing businesses, but he still doesn't think it is adequate. Mr. Justice stated that he owns a heating and air conditioning electrical contracting business. At one time he was going to have a building constructed, and his plans were drawn up to show 20,000 square feet, of which 7,000 was office space. He said that the remaining square footage was for sheet metal fabrication and warehouse space, and under the proposed zone he wouldn't be able to construct this building. Mr. Justice asked how the zone change will be accomplished, if it is phased in or if there is a particular effective date.

Chad Wilkinson stated that 12,000 square feet was determined to be appropriate based on mapping done for the area and consideration of other buildings in the vicinity that have the same range of uses, such as light manufacturing and contractor's offices. He stated that there needs to be a balance between allowing for light manufacturing uses and not allowing so much square footage that the area becomes a manufacturing zone. Mr. Wilkinson stated that it is important to allow uses that are compatible with residential and commercial. He said that the 12,000 square feet applies to individual business uses within a particular building, and not the size of the building itself. Mr. Wilkinson stated that once the zoning and text are adopted by the City Council, the zoning will be effective immediately. He said that nonconforming uses will be allowed to continue and will not be required to bring their site into compliance unless there is redevelopment of the property. New uses will have to meet the new code standard.

Jeff Evans asked about an existing business that wants a new building. Mr. Wilkinson responded that the business would have to comply with the zone standards or go through the expansion of non-conforming use provisions in the code for the Board of Adjustment process.

Dee Woodward, 2135 Pheasant Lane, stated that 16 years ago he proposed to build an industrial park, which is located just east of 300 West and south of Murray Holladay Road. Mr. Woodward said that there are 20 commercial subdivision lots, and it took him four or five years to get through flood control and he installed a drainage system that goes east and then south on 190 West, then down towards 5th Avenue where it drains into the creek. Mr. Woodward stated that he went far beyond what was needed to create a good drainage system, and it cost him many thousands of dollars. He said that he had to make the area a PUD so that he could put in a low, ride over curb. Mr. Woodward stated that he gave Murray many concessions to get their power lines across his property. He said that when a personnel change took place within the Power Department, many of the things that were promised to him previously were subsequently denied. Mr. Woodward stated his property is right in the middle of the new zone area. He has sold nine lots, and is in the process of selling the tenth. Mr. Woodward does not want the building requirements changed in this subdivision. He stated that Mayor Snarr has achieved many good things on behalf of Murray City.

Ray Beck, 257 East 200 South, was present to represent Scott Gordon. Mr. Beck stated that he appreciates the staff's efforts to address concerns and comments that were made last spring regarding the mixed use zone. Mr. Beck stated that his client owns property at 190 West 4800 South, which is bordered on the north by 4800 South, on the east by the railroad tracks and on the south there is a steep hill and retaining wall. He said that with these barriers, the property is separated from the proposed mixed use area and is actually an extension of the nearby industrial area. Mr. Beck stated that this piece of property is a developmental island in the mixed use zone and faces north. He said that all of the other properties in the zone look toward the hospital and transportation hubs to the south. Mr. Beck stated that he supports mixed use because over time it will enhance the area, but his greater concern is the current situation and market. He stated that the mixed use requirements will place greater economic restrictions on Mr. Gordon. Mr. Beck stated that he understands grandfathering, and that the intent is to eliminate certain purposes. He said that this particular building is modular, and can accommodate various types of uses. At this time, over 60% of the building is for automotive use, which is a prohibited use under the mixed use zone. Mr. Beck stated that over the transition period, numerous tenants will be coming in and it will be difficult to maintain the current uses. He provided a few examples of grandfathering not working to the benefit of a property owner. Mr. Beck stated that most tenants want to immediately occupy a space and having to go through so many processes makes this difficult, so they end up looking elsewhere. He requested that the boundary be moved to exclude Mr. Gordon's property from the mixed use zone.

Jeff Evans asked how long Mr. Gordon's building has housed automotive businesses. Mr. Beck stated that the area has an automotive flavor and such businesses take up a majority of the area.

Reed Stallings, 10661 South 540 East, owns two buildings in Murray. They are located at 4731 and 4733 South Commerce Drive. His property would be in the transitional zone based on the most recent boundary changes. Mr. Stallings commended staff for their efforts in solving many of the problems with the previous ordinance. He stated that he still has concerns with some of the restrictions. Mr. Stallings said that for years this area has been a manufacturing general zone, and Murray has encouraged the residents to be

in the manufacturing and warehousing businesses. He stated that now it is turning in the opposite direction and the residents that were previously encouraged to be there are being put at a great disadvantage. He asked if the grandfather clause applies to the property or the particular business. Mr. Stallings also stated that the grandfather clause isn't written in the ordinance and asked where it could be found. He said that the ordinance states that all buildings should face the street and have a pedestrian door to the street. He stated that not all of the properties within the zone are conducive to this design, especially when there is a deep lot. Mr. Stallings stated that the land use # 6310 states that advertising is permitted but with an office only, and also that there cannot be any outside storage or a warehouse. He said that this is extremely restrictive, and it will be prohibitive as a construction service provider to not be allowed any storage space for tools and equipment. He stated that conditional uses are limited, such as in 5100 Wholesale Trade, where there are restrictions on radios, vacuum cleaners and toasters and a number of other things being warehoused and traded. Mr. Stallings stated that he thinks there are some more things that need to happen to prevent the restrictions from being unduly harmful to the existing businesses and purposes.

Orden Yost, 4616 South Atwood Boulevard, stated that he has spent some time with staff reviewing the mixed use ordinance and that he supports a mixed use project in this general area of Murray. Mr. Yost stated that his concerns relate to urban design practices not being applied. He said that in the ordinance, under the purpose title, there is a section about compact development that indicates there should be an increase in the number of residents and workers within walking distance of transit opportunities. Mr. Yost stated that the ordinance says to improve urban design and encourage structured parking. He said there are no requirements for certain types of uses, and if the intent is to create an urban location there are certain things that must happen. He stated that downtown Salt Lake City requires only 2 or 2.5 parking stalls per 1000 square feet. Mr. Yost stated that Murray is requiring 4 or 5, and that he thinks these should be maximums instead of minimums. He said that more parking shouldn't be built if it isn't needed for a particular use. He stated that in the residential and commercial areas there are no minimum heights established, and that in order to create an urban area there needs to be minimum height requirements. Mr. Yost said that if the intent of the ordinance is to create density, then it should require density and pointed out some sections that have no density requirements. He suggested that the ordinance be rewritten with minimum and maximum requirements in order to obtain the uses that the City wants. Mr. Yost stated that from a development standpoint, there needs to be planned corners that house retail or commercial. He stated that there needs to be opportunities established for people to want to build in mixed use areas. He said that building codes and requirements need to be implemented that meet the mixed use guidelines, and maybe the City shouldn't be as concerned with the uses contained within the buildings until the market pushes the existing uses out of them. Mr. Yost said that failure to make changes will result in vacancies and property owners not being able to maintain their properties. He stated that there are current ordinances in Murray City that have created blight.

DeLynn Barney, 4902 Box Elder Street, stated that he and his mother live and own property at this address. He stated that the previous boundary went down Box Elder Street, and he asked why it was moved. He said he is concerned about what mixed use is going to do to his single family residence. Mr. Barney stated that there is some vacant property near his property and he wonders how it will be developed because currently there is a three-story drug rehabilitation center across the street that doesn't blend in

with the area. He stated that when he was growing up there were a number of retail establishments in this area and now it seems to be mostly manufacturing.

Victor Salmon, 225 Helm Ave, stated that there was a petition circulating when this issue first arose. He said that the boundary at that time went above 4800 South. Mr. Salmon said that he has commercial buildings on 300 West and 4800 South that he rents out. He stated that previously he understood that the boundary had been changed and it wouldn't affect him, but he recently received a letter stating that his property will be affected. He said that he does have some automotive businesses on his property, which won't be compatible with mixed use. Mr. Salmon stated that he is concerned with the grandfathering clause because if a tenant moved, it would be in his best interest to have a similar type of tenant come in. He said that almost everything on the south side of 4800 is commercial development, not residential. Mr. Salmon stated he has been in the area for 35 years, and at the time he came into the area Murray was encouraging manufacturing and industrial business development. He said that the established businesses in the area deserve some consideration.

Saeid Hosseini, 2193 E. Lambourne Ave, stated that he is purchasing property on 4800 South and Commerce Drive. He said that he likes the idea of mixed use and pedestrian friendly areas. He stated that people are still going to drive, resulting in an increase in traffic, and they will need places to park. Mr. Hosseini said that 4800 South and Commerce Drive are narrow streets and he wonders how they will accommodate more traffic. He asked why people would want to reside in an area so close to I-15 due to traffic noise. Mr. Hosseini asked how much time it will take to change the area from what it is now to what it is proposed to be.

There were no other members of the public wishing to make a comment. Jeff Evans closed the public comment portion of the meeting.

Mr. Evans stated that he understands from the public comments that there a number of property owners with existing businesses that are concerned about what will happen to their property if a tenant moves out and cannot be replaced by a similar type of business.

Chad Wilkinson responded to the questions posed by the public. He stated that in Mr. Woodward's situation, his industrial property was evaluated for building size and most of the buildings are less than 12,000 square feet. Building size was evaluated by looking at the building footprint, so if a building is two stories it may contain more square footage. He said that some of the uses will be nonconforming based on development standards. Mr. Wilkinson stated that Mr. Woodward mentioned his development is a PUD, which means it must have covenants, codes and restrictions (CC & R's) that are often more restrictive than zoning regulations. He stated that in response to Mr. Beck's comments, staff has made their recommendation and the Planning Commission has the ability to change their recommendation to the City Council. Mr. Wilkinson said that staff believes this is a good location for mixed use and that using a street as a zone boundary makes sense because of the buffering it provides. He stated that the fish factory property is specified as mixed use in the General Plan. He said that if there is an operating auto repair business in the mixed use zone that moves out, the property owner is allowed up to one year to establish a similar type business without going through additional

processes. Mr. Wilkinson stated that when buildings are set up with multiple tenant spaces, each space is evaluated individually. Conditional uses are established for a specific square footage and building configuration, so in a situation with multi-tenant uses, Conditional Use Permits cannot be switched from one tenant space to another. As for pedestrian entrances facing the streets, Mr. Wilkinson stated that buildings can have other entrances as well, but as this is proposed to be a pedestrian friendly area it is important to have street facing entrances. He said that buildings that front on the street should face the street. If there is a large lot with buildings set back from the front of the lot, those buildings aren't going to be able to front on the street due to their design. Mr. Wilkinson stated that Mr. Stallings had mentioned wholesale trade uses, and that a number of them that are now permitted.

Mr. Wilkinson stated that Orden Yost mentioned several good points about the ordinance. He said that staff did propose a 10% reduction in parking, and he realizes that in Salt Lake City there are some substantial parking reductions for areas near TRAX. He stated that in any new development there will be concerns regarding adequate parking, particularly for residential uses that might impact adjacent properties. Mr. Wilkinson said that in some cities the reduction percentage may be lower. Mr. Wilkinson stated that there were some issues mentioned regarding height limitations, and specifically the Galleria property. He said that there are two main areas in the mixed use zone that will be affected by this standard, one is along Murray Boulevard and the other is the fish food factory. The existing ordinance has a residential buffering standard that allows a building to be 35 feet high within the first 100 feet of a residential zone, and after that you can add an additional 1 foot for every 4 feet of setback. Mr. Wilkinson stated that there are some areas in the Galleria site that would allow buildings to be quite high. He said it may be appropriate to allow an increase of building height based on the use, and referred to the Planning Commission's previous recommendation to the City Council as it pertains to buffering standards. Properties that are separated from residential areas by a highway are exempt from the height to setback ratio. Mr. Wilkinson stated that regarding density, garden low-rise style condominium developments will be allowed and he would hope to see some live work units that have a single residential story above a commercial use. He stated that minimum density may be appropriate. One way that staff has tried to limit one story development is the standard that states there cannot be more than 25% of the first floor used as residential space. He said that this will result in pushing residential uses to upper stories and will eliminate any single story, multi-family development. Mr. Wilkinson stated that single family residential is not allowed in the mixed use zone. He said that retail use on the main floor can create issues with building codes but that these can be overcome with certain construction standards. Mr. Wilkinson referred to a recent article in the Salt Lake Tribune that identified issues being faced in mixed use developments.

Mr. Wilkinson stated that some uses have been prohibited that are not compatible with the purpose of the zone, and there are some uses that are not prohibited but restricted. He said that the purpose of prohibiting certain uses is to make sure everything in the mixed use zone is compatible and to mitigate conflicts. He stated that although auto oriented uses will be restricted in the mixed use zone, there are a number of other locations within the City that would welcome auto oriented uses. Mr. Wilkinson said that auto oriented uses are restricted because repair businesses can have an impact on adjacent property due to outside storage, and dealerships require large outdoor storage

areas. He stated that in relation to questions about moving the boundary, there are currently planning processes taking place related to the downtown area. The downtown area will most likely be zoned mixed use as well, and that would include Mr. Barney's property.

Mr. Wilkinson asked Mr. Salmon to identify his property on the map. Mr. Salmon pointed out his property and some of the other properties that have been discussed and some empty lots. Mr. Wilkinson confirmed that Mr. Salmon's property is included in the proposed mixed use zone. Mr. Wilkinson stated that there are sound attenuation methods that can be implemented along I-15 when considering residential development in the area.

Mr. Harland asked where the grandfathering clause is covered in the ordinance. Mr. Wilkinson responded that it is found in Section 17.52, under non-conforming use and development standards, and that it is not specific just to the mixed use zone but applies to all zones within the City.

Tim Taylor asked why the southwest corner of Vine Street and Commerce Drive was excluded from the mixed use area. Mr. Wilkinson responded that the school district owns a large portion of that property and that they have future development plans there. The area wasn't included in order to accommodate the school district's future plans. Mr. Taylor stated that it is challenging to have one side of the street in the mixed use zone while the other side is excluded.

Jeff Evans stated that he understands the arguments offered from members of the public. He said that it appears the future development plans of the school district are being accommodated by excluding their property, while other property owners are being restricted in their future development plans because they are included in the zone. He suggested that this issue be discussed further. Mr. Wilkinson stated that this area will be considered as part of the transition zone to ensure that building construction is compatible with the zone as far as setbacks and landscaping.

Mr. Wilkinson stated that there are difficulties with mixing residential and commercial. Staff considered different ways of addressing this issue, such as limiting the percentage of square footage for residential space. He suggested that there may be other alternatives and that staff is open to discussion, although the 75% residential recommendation does address this issue. Mr. Wilkinson stated that the main concern is to not create a new residential zone district and to ensure that there is a mix of uses in the area.

Kurtis Aoki suggested that the meeting be reopened for public comment. Mr. Evans agreed, and stated that he has two letters that were submitted related to this topic. The first is from Tom Henry, who owns an automotive business in the affected area. Mr. Henry states that he is not a property owner but is a business owner and is disappointed that he didn't receive notice of this proposal. Mr. Evans stated that he understands that proper noticing procedures were followed based on state regulations and that it is the property owner's responsibility to advise their tenants of such changes. Mr. Henry also voiced concerns about difficulty selling his business, which he's built up for 25 years.

Mr. Evans stated that the second letter is from Mr. Degrasse and is a request that the houses along Box Elder Street be included in the mixed use zone.

Mr. Evans reopened the public comment portion of the meeting, and asked that comments be limited to three minutes.

Richard Justice stated that this is the first time he's seen a copy of the ordinance. He suggested that when notices are sent out, it would be helpful for them to contain an internet link where people could go to review the ordinances. Mr. Justice stated that he is still concerned about how the transition process will work. He stated that he wouldn't know what to tell a buyer about the property in this area as far as timeframes for establishing certain types of businesses.

Orden Yost stated that if the City has an idea of what they want developed in this particular area that they should identify certain nodes, such as street corners, where they can require commercial development. Mr. Yost stated that without this requirement it will be difficult for developers to get financing.

DeLynn Barney stated that he understands that with the boundary changes there will be other areas adopting the mixed use zone at a later date. He asked when notifications about those areas and other information will be available. Mr. Barney stated that he appreciates the explanations provided tonight about why the boundary changes were made. He said that he understands the intent to create a walking zone and access to the transit systems, but it seems like everything west of the railroad tracks isn't really within walking distance of a TRAX station.

Vic Salmon stated that there are two buildings near his that are occupied by machine shops, although ownership has changed three different times. He said that there is an automotive garage that has been on 4500 South State Street for over 30 years, and the owner is considering retiring and selling his business. Mr. Salmon states that it is not just property owners that have an investment in the area, but also the tenants who have invested in their businesses.

Jeff Evans closed the public comment portion of the meeting.

Chad Wilkinson stated that if a person applied today for a permitted use in the M-G-C zone, before this ordinance is adopted, it would be evaluated by today's codes. As for transition time, he said that as of the date the code is effective, the new ordinance would apply from that time forward. He stated that at this time he can't determine what the effective date will be as there are additional processes to complete before adoption.

Tim Tingey explained that the future process is to obtain a decision for a recommendation from the Planning Commission, and then more notices will be sent to various parties. After that, the issue will go before the City Council and a public hearing will be held. He said that there will be future opportunities for public comment.

Ms. Van Bibber asked if there must be a direct cut off for a boundary line or if it's possible to have a transition area. Mr. Tingey replied that this proposal is for a boundary, and within that boundary will be mixed use. Outside of the boundary, staff is

considering proposing a transitional area, which would still have the M-G-C zoning designation but with a transition toward future mixed use. Mr. Harland stated that the boundary line is firm, and that no matter where the boundary is drawn there will be situations on both sides of it.

Mr. Wilkinson stated that the issues raised by Mr. Yost are valid points and things that staff has discussed. He said that he welcomes the Planning Commission's input. As for timing, he stated that the downtown plan will be ready to send out to the public within the next few months. Mr. Tingey stated that the City is involved in a planning process right now, and when the plan goes out to the public there will be opportunities for input. He said that there is not a definitive timeline on when this will occur, but staff is hoping to obtain input on the initial concepts within the next couple of months.

Mr. Wilkinson said that when reviewing non-conforming use, ownership of the business is not a factor. If an automobile business is established on a property and then sold to a new owner but remains an automobile business, that use can continue to operate. The non-conforming use would be abandoned if that automobile business is discontinued for more than a year, regardless of ownership. Tim Taylor asked if this is clearly defined in the code. Mr. Wilkinson replied that the code doesn't say anything about ownership but does state that a use can continue until it's abandoned. Mr. Aoki asked about a situation that involves redevelopment. Mr. Wilkinson responded that if a property owner decides to put a new use on their property, the previous use will be considered abandoned. He said that this is the way Murray City business licensing currently operates and a property would only have to go through review if a change is being made to the site. Mr. Aoki asked who establishes a technical record of abandonment. Mr. Wilkinson replied that this is generally tracked through business licenses, which are renewed annually.

Mr. Evans stated that Mr. Yost brought up some valid points regarding the standards for retail on the ground level and residential on top. He said that he understands having retail on corners or other highly trafficked location would be beneficial and it may be harder to rent an interior space to a business. He stated that having a blanket standard for ground floor retail should be reconsidered. Mr. Evans stated that he has noticed most members of the public that are present are from the same general area, around 4800 South. He said that it is his understanding that this issue needs to come back to the Planning Commission as there were some properties that were improperly noticed. Mr. Wilkinson stated that there are seven properties near the corner of Vine Street and Murray Boulevard that are General Planned as office use. He said that the word office was omitted from the notice for the General Plan Amendment, so to ensure proper notice being sent, these properties will be sent corrected notices and the issue will come back before the Planning Commission. Mr. Evans asked if this has been scheduled. Mr. Wilkinson stated that it has been tentatively scheduled for the next Planning Commission meeting, which is on November 5, 2009. Mr. Evans suggested that although this issue has been continued a number of times, he thinks it would be beneficial to continue it again in order to have time to study some of these ideas and send correct notices to the properties in the area of Vine Street and Murray Boulevard.

Chad Wilkinson stated that staff is fine with continuing this issue, but requested that the Planning Commission identify issues that they'd like additional analysis of. Mr. Evans stated that his concerns are the businesses along 4800 South, which are strongly

represented in this meeting, and the building configurations on corners and interior streets. Mr. Aoki stated that he is concerned about the financing aspect and that there needs to be discussion about what will attract developers that are able to obtain financing. He said that he'd like to learn about financial issues from other cities with similar mixed use zones and what the banking industry looks for when considering financing. Mr. Aoki stated that it's going to be difficult for commercial development to be in compliance with the standards in areas like Commerce Drive, where there is a main street and then a number of smaller streets branching off towards properties that are set further back. He said that he thinks developers won't want to develop properties that have limited foot traffic but still have to meet these standards.

Jim Harland asked about the previous location of the northern boundary on 4800 South. Mr. Wilkinson replied that it followed the northern boundary of the Inverness Square development property lines. Mr. Harland asked why the boundary was moved. Mr. Wilkinson replied that there were a few items that influenced this decision, one of which was bringing residential development into this zone that allows it. He said the previous plan for BRT included this area as a possible route, but the route has since changed.

Sheri Van Bibber stated that seven years ago she looked at some similar areas in San Antonio and Denver. She stated that the biggest challenge for those areas were banks giving loans for mixed use development. She said that Mr. Yost's comment about setting this zone up for success is important. Mr. Wilkinson stated that staff has looked into this issue and it seems that funding revolves less around the standards and more around banks becoming familiar with this type of development. He said that there are some mixed use communities in Salt Lake City that have been successful. Ms. Van Bibber stated that she has talked with various people about the downtown development and they haven't had any problems with selling. Mr. Wilkinson said that Murray will have the Frontrunner station soon and the BRT that will make this area viable for mixed use.

Karen Daniels stated that she works in construction and residential lending. She said that there was a recent article in the Salt Lake Tribune regarding mixed use and it was inferred that the banks are still a little hesitant but are slowly coming around. She stated that residents of Utah like their cars, and when gas prices were rising a year and a half ago there were more people walking and riding their bikes. Ms. Daniels said that this will be a factor, in addition to eventually running out of land. She stated that Murray offers a great corridor and opportunity and shouldn't wait for banks to come on board. She said that the development needs to be well planned and that staff is taking this in the right direction.

Tim Taylor stated that he still has concerns about the transition area and what is allowed on either side of 4800 South and along other boundary lines. He said he is also concerned about the number of legal, nonconforming uses and how that will be handled in future years. He stated that nonconforming uses may lead to other unintended problems such as vacancies. Mr. Taylor said that transitioning from what exists and is viable from a market perspective to a true mixed use development is still a concern, especially as it relates to multi-tenant buildings. He said that there are already issues with conditional uses conforming to landscaping and other conditions, and he wants to ensure that the purpose and intent of the district is being met. Mr. Taylor stated that the mixed use area seems to be a hodgepodge of uses versus a coordinated, Master

Planned look and feel. He said that he'd like to be able to encourage particular types of development in specific areas. Mr. Wilkinson stated that whenever a new zoning district is adopted there are nonconforming uses. He said that the new zone can still be successful, such as in the TOD area of Murray where there are a number of nonconforming uses that continue to operate. Mr. Taylor asked if there are any proposed developments planned within the new zone. Mr. Wilkinson stated that there isn't any specific development that has been discussed at this time. Mr. Taylor stated that this plan meets the intent of the planning done by Envision Utah.

Mr. Tingey stated that this is an exciting and challenging issue and that a number of factors have been discussed tonight. He stated that the goal is to create a development that is in the public interest and promotes the change that was envisioned years ago by staff and policymakers. Mr. Tingey stated that some of the transition changes have already occurred with the hospital and TRAX. He said that Murray wants to promote these things for the public interest. He stated that there is an education process, and that some of the issues raised tonight are things to consider in more detail. Mr. Tingey stated that he gives credit to Chad Wilkinson and Ray Christensen for their efforts and hours spent in researching and designing a mixed use zone that will work. He said that he recognizes not everyone will be happy with the changes, but the goal is to promote these changes while still addressing some of the issues raised tonight. He stated that he agrees with postponing a recommendation while some of these issues are being considered, and he suggested that the issue come forward again at a future meeting.

Tim Taylor stated that it would be very helpful to him if the Planning Commission scheduled a charrette to work and discuss some of these issues. Sheri Van Bibber agreed. Mr. Tingey stated that he would find this beneficial as an educational process, but he doesn't want people to be under the impression that decisions will be made at that meeting. Mr. Taylor asked what would be accomplished if this occurred and wondered if particular cases would be discussed or if it would be more of a question and answer format. Mr. Tingey replied that the focus of the meeting should be mostly educational elements and will be less formal than a Planning Commission meeting. Members of the public are welcome to come and ask questions or make comments. Ms. Van Bibber stated that such sessions have occurred previously and was beneficial.

Mr. Aoki stated that he would like a representative from an area that has this type of development, such as Salt Lake City, to come in and answer some questions. He said that with this information, Murray could refer bankers to other areas where this kind of zone is working. Mr. Tingey responded that Envision Utah, who does planning throughout the state, and other planners that have studied mixed use, are recommending this type of concept, especially along TRAX. He stated that although nearby cities have mixed use areas, they are different than this one in Murray. This area has been primarily manufacturing general, whereas the other cities had different uses resulting in a different type of transition. Mr. Aoki asked if there is anything that could make the transition smoother, such as extending certain exemptions for existing businesses. Mr. Tingey replied that that it is better to have a well defined area.

Jim Harland suggested that the Commission specify the exact issues that they want staff to review at the next meeting. Mr. Evans stated that the boundary at 4800 South has been mentioned, and Mr. Taylor stated he would also like to look at the Vine Street and

Commerce Drive boundary and multi-tenant buildings. Mr. Evans said he'd like to explore the node idea with buildings constructed on corners, and the mix of retail and commercial. Mr. Evans referred to an earlier request to review height restrictions and buffering in areas that abut residential zones. Mr. Harland stated that he agrees with these areas being discussed further, and that he agrees with Mr. Taylor's suggestion about getting together to study these issues. He recommended that a study session take place during an upcoming pre-meeting. Mr. Tingey replied that if this is the method the Commission wants to use for discussion of this issue, staff will send notices as part of the meeting so that the public can attend and participate. Mr. Wilkinson reviewed the issues that the Planning Commission wishes to discuss at the pre-meeting. He stated that staff has closely evaluated many of these issues, and that much study and thought has gone into this recommendation. He said that perhaps additional discussion about density would be helpful as well and the Commission agreed. Mr. Taylor stated that small lot sizes having separate requirements could be discussed as well. The Commission members briefly discussed the parking requirements and want to include that in future discussions.

Mr. Evans stated that he agrees with the pre-meeting suggestion. Ray Black stated that he likes the mixed use concept, but as a commercial property owner himself, he understands the concerns about making this transition. He said that the majority of people are not opposed to multi-use, but building owners with various tenants will have difficulty if they lose tenants. Mr. Black stated that the concern for property owners is making their mortgage payments and how they can do that if their buildings aren't full. He agreed with Mr. Tingey's comment about the differences between multi use areas in downtown Salt Lake City and those in Murray City.

Tim Taylor made a motion to continue the mixed use development district ordinance text amendment and zone map amendment for the mixed use designation until the meeting of December 3, 2009. There will be a November 5, 2009 pre-meeting at 5:00 p.m., to be noticed as such, with the key discussion and review items to be:

1. Building heights and buffering standards.
2. The boundary of the mixed use zoning district.
3. Further discussion of nodes and residential commercial mix.
4. Review of minimum density requirements.
5. Review of parking requirements as they relate to minimums and parking structures.
6. The transition of legal nonconforming uses, such as multi-tenant buildings.

Seconded by Jim Harland.

Call vote recorded by Tim Tingey.

A__ Tim Taylor
A__ Jim Harland
A__ Karen Daniels
A__ Sheri Van Bibber
A__ Jeff Evans
A__ Ray Black
A__ Kurtis Aoki

Motion passed, 7-0.

Meeting adjourned.

B. Tim Tingey
Director of Community & Economic Development